

AMENDED IN ASSEMBLY JUNE 30, 2014

AMENDED IN ASSEMBLY JUNE 15, 2014

AMENDED IN SENATE MAY 21, 2014

SENATE BILL

No. 983

Introduced by Senator Hernandez

February 11, 2014

An act to amend Section 149.7 of, *and to add Section 149.2 to*, the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 983, as amended, Hernandez. High-occupancy toll lanes.

Existing law provides that the Department of Transportation has full possession and control of the state highway system. Existing law authorizes the department to construct exclusive or preferential lanes for buses only or for buses and other high-occupancy vehicles.

Existing law authorizes a regional transportation agency, as defined, in cooperation with the ~~Department of Transportation~~, department to apply to the California Transportation Commission to develop and operate high-occupancy toll (HOT) lanes, including administration and operation of a value-pricing program and exclusive or preferential lane facilities for public transit. *transit consistent with established standards, requirements, and limitations that apply to specified facilities.* Existing law limits the number of approved facilities to not more than 4, 2 in northern California and 2 in southern California, and provides that no applications may be approved on or after January 1, 2012.

This bill would *delete the requirement that the above-described facilities be consistent with the established standards, requirements, and limitations that apply to specified facilities and would instead*

require the commission to establish guidelines for the development and operation of the facilities subject to specified minimum requirements. The bill would additionally authorize specified local transportation authorities and the Santa Clara Valley Transportation Authority to apply to the commission for purposes of the above-described provisions. The bill would remove the limitations on the number of approved facilities and would delete the January 1, 2012, deadline for HOT lane applications. The bill would provide that each application is subject to the review and approval of the commission and would require a regional transportation agency that applies to the commission to reimburse the commission for all of the commission's cost and expense incurred in processing the application.

This bill would additionally authorize the department to apply to the commission to develop and operate HOT lanes and associated facilities.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 149.2 is added to the Streets and*
- 2 *Highways Code, to read:*
- 3 *149.2. (a) The department may apply to the commission to*
- 4 *develop and operate high-occupancy toll lanes, including the*
- 5 *administration and operation of a value pricing program and*
- 6 *exclusive or preferential lane facilities for public transit.*
- 7 *(b) Each application for the development and operation of the*
- 8 *facilities described in subdivision (a) shall be subject to review*
- 9 *and approval by the commission pursuant to eligibility criteria*
- 10 *established by the commission. For each eligible application, the*
- 11 *commission shall conduct at least one public hearing in northern*
- 12 *California and one in southern California.*
- 13 *(c) The department shall reimburse the commission for all of*
- 14 *the commission's costs and expenses incurred in processing the*
- 15 *application.*
- 16 *(d) The commission shall establish guidelines for the*
- 17 *development and operation of facilities described in subdivision*
- 18 *(a) and approved by the commission pursuant to this section,*
- 19 *subject to the following minimum requirements:*
- 20 *(1) The department shall develop and operate the facilities in*
- 21 *cooperation with regional transportation agencies, as applicable,*

1 *and with the active participation of the Department of the*
2 *California Highway Patrol.*

3 *(2) The department shall be responsible for establishing,*
4 *collecting, and administering tolls.*

5 *(3) The department shall be responsible for paying for the*
6 *maintenance of the facilities from net toll revenue.*

7 *(4) The revenue generated from the operation of the facilities*
8 *shall be available to the department for the direct expenses related*
9 *to the maintenance, administration, and operation, including*
10 *collection and enforcement, of the facilities.*

11 *(5) All remaining revenue generated by the facilities shall be*
12 *used in the corridor from which the revenue was generated*
13 *pursuant to an expenditure plan developed by the department and*
14 *approved by the commission.*

15 *(6) This section shall not prevent any local agency from*
16 *constructing facilities that compete with the facilities approved by*
17 *the commission and the department shall not be entitled to*
18 *compensation for the adverse effects on toll revenue due to those*
19 *competing facilities.*

20 *(e) The department shall provide any information or data*
21 *requested by the commission or the Legislative Analyst relating*
22 *to a facility that the department develops or operates pursuant to*
23 *this section. The commission, in cooperation with the Legislative*
24 *Analyst, shall annually prepare a report on the progress of the*
25 *development and operation of a facility authorized under this*
26 *section. The commission may submit this report as a section in its*
27 *annual report to the Legislature required pursuant to Section*
28 *14535 of the Government Code.*

29 **SECTION 1.**

30 **SEC. 2.** Section 149.7 of the Streets and Highways Code is
31 amended to read:

32 149.7. (a) A regional transportation agency, as defined in
33 subdivision ~~(e)~~, (f), in cooperation with the department, may apply
34 to the commission to develop and operate high-occupancy toll
35 lanes, including the administration and operation of a value pricing
36 program and exclusive or preferential lane facilities for public
37 transit, ~~consistent with the established standards, requirements,~~
38 ~~and limitations that apply to those facilities in Sections 149, 149.1,~~
39 ~~149.3, 149.4, 149.5, and 149.6. transit.~~

1 (b) Each application for the development and operation of the
2 facilities described in subdivision (a) shall be subject to review
3 and approval by the commission pursuant to eligibility criteria
4 established by the commission. For each eligible application, the
5 commission shall conduct at least one public hearing in northern
6 California and one in southern California.

7 (c) A regional transportation agency that applies to the
8 commission to develop and operate facilities described in
9 subdivision (a) shall reimburse the commission for all of the
10 commission's cost and expense incurred in processing the
11 application.

12 (d) *The commission shall establish guidelines for the*
13 *development and operation of facilities described in subdivision*
14 *(a) and approved by the commission pursuant to this section,*
15 *subject to the following minimum requirements:*

16 (1) *The regional transportation agency shall develop and*
17 *operate the facilities in cooperation with the department, and the*
18 *active participation of the Department of the California Highway*
19 *Patrol, pursuant to an agreement that addresses all matters related*
20 *to design, construction, maintenance, and operation of state*
21 *highway system facilities in connection with the facilities.*

22 (2) *The regional transportation agency shall be responsible for*
23 *establishing, collecting, and administering tolls.*

24 (3) *The regional transportation agency shall be responsible for*
25 *paying for the maintenance of the facilities from net toll revenue,*
26 *pursuant to an agreement between the department and the regional*
27 *transportation agency.*

28 (4) *The revenue generated from the operation of the facilities*
29 *shall be available to the regional transportation agency for the*
30 *direct expenses related to the maintenance, administration, and*
31 *operation, including collection and enforcement, of the facilities.*

32 (5) *All remaining revenue generated by the facilities shall be*
33 *used in the corridor from which the revenue was generated*
34 *pursuant to an expenditure plan adopted by the regional*
35 *transportation agency.*

36 (6) *This section shall not prevent the department or any local*
37 *agency from constructing facilities that compete with the facilities*
38 *approved by the commission and the regional transportation*
39 *agency shall not be entitled to compensation for the adverse effects*
40 *on toll revenue due to those competing facilities.*

1 ~~(d)~~

2 (e) A regional transportation agency that develops or operates
3 a facility, or facilities, described in subdivision (a) shall provide
4 any information or data requested by the commission or the
5 Legislative Analyst. The commission, in cooperation with the
6 Legislative Analyst, shall annually prepare a report on the progress
7 of the development and operation of a facility authorized under
8 this section. The commission may submit this report as a section
9 in its annual report to the Legislature required pursuant to Section
10 14535 of the Government Code.

11 ~~(e)~~

12 (f) Notwithstanding Section 143, for purposes of this section,
13 “regional transportation agency” means any of the following:

14 (1) A transportation planning agency described in Section 29532
15 or 29532.1 of the Government Code.

16 (2) A county transportation commission established under
17 Section 130050, 130050.1, or 130050.2 of the Public Utilities
18 Code.

19 (3) Any other local or regional transportation entity that is
20 designated by statute as a regional transportation agency.

21 (4) A joint exercise of powers authority established pursuant to
22 Chapter 5 (commencing with Section 6500) of Division 7 of Title
23 1 of the Government Code, with the consent of a transportation
24 planning agency or a county transportation commission for the
25 jurisdiction in which the transportation project will be developed.

26 (5) A local transportation authority designated pursuant to
27 Division 12.5 (commencing with Section 131000) or Division 19
28 (commencing with Section 180000) of the Public Utilities Code.

29 (6) The Santa Clara Valley Transportation Authority established
30 pursuant to Part 12 (commencing with Section 100000) of Division
31 10 of the Public Utilities Code.

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